
ENGROSSED SENATE BILL 5638

State of Washington 62nd Legislature 2011 Regular Session

By Senators Keiser, Fain, Prentice, and Shin

Read first time 02/02/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to the exemption of flood control zone districts
2 that are coextensive with a county from certain limitations upon
3 regular property tax levies while protecting other levies from
4 prorationing; amending RCW 84.52.010, 84.52.043, and 84.52.120; and
5 creating a new section.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 84.52.010 and 2009 c 551 s 7 are each amended to read
8 as follows:

9 (1) Except as is permitted under RCW 84.55.050, all taxes (~~shall~~)
10 must be levied or voted in specific amounts.

11 (2) The rate percent of all taxes for state and county purposes,
12 and purposes of taxing districts coextensive with the county, (~~shall~~)
13 must be determined, calculated and fixed by the county assessors of the
14 respective counties, within the limitations provided by law, upon the
15 assessed valuation of the property of the county, as shown by the
16 completed tax rolls of the county, and the rate percent of all taxes
17 levied for purposes of taxing districts within any county (~~shall~~)
18 must be determined, calculated and fixed by the county assessors of the

1 respective counties, within the limitations provided by law, upon the
2 assessed valuation of the property of the taxing districts
3 respectively.

4 (3) When a county assessor finds that the aggregate rate of tax
5 levy on any property, that is subject to the limitations set forth in
6 RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either
7 of these sections, the assessor (~~shall~~) must recompute and establish
8 a consolidated levy in the following manner:

9 ~~((1))~~ (a) The full certified rates of tax levy for state, county,
10 county road district, and city or town purposes (~~shall~~) must be
11 extended on the tax rolls in amounts not exceeding the limitations
12 established by law; however any state levy (~~shall~~) takes precedence
13 over all other levies and (~~shall~~) may not be reduced for any purpose
14 other than that required by RCW 84.55.010. If, as a result of the
15 levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105,
16 the portion of the levy by a metropolitan park district that was
17 protected under RCW 84.52.120, 84.52.125, 84.52.135, (~~and~~) 84.52.140,
18 and 86.15.160 by flood control zone districts in a county with a
19 population of one million five hundred thousand or more that are
20 coextensive with a county, the combined rate of regular property tax
21 levies that are subject to the one percent limitation exceeds one
22 percent of the true and fair value of any property, then these levies
23 (~~shall~~) must be reduced as follows:

24 ~~((a))~~ (i) The levy imposed under RCW 86.15.160 by a flood control
25 zone district in a county with a population of one million five hundred
26 thousand or more that is coextensive with a county must be reduced
27 until the combined rate no longer exceeds one percent of the true and
28 fair value of any property or must be eliminated;

29 (ii) If the combined rate of regular property tax levies that are
30 subject to the one percent limitation still exceeds one percent of the
31 true and fair value of any property, the levy imposed by a county under
32 RCW 84.52.140 (~~shall~~) must be reduced until the combined rate no
33 longer exceeds one percent of the true and fair value of any property
34 or (~~shall~~) must be eliminated;

35 ~~((b))~~ (iii) If the combined rate of regular property tax levies
36 that are subject to the one percent limitation still exceeds one
37 percent of the true and fair value of any property, the portion of the
38 levy by a fire protection district that is protected under RCW

1 84.52.125 (~~shall~~) must be reduced until the combined rate no longer
2 exceeds one percent of the true and fair value of any property or
3 (~~shall~~) must be eliminated;

4 (~~(c)~~) (iv) If the combined rate of regular property tax levies
5 that are subject to the one percent limitation still exceeds one
6 percent of the true and fair value of any property, the levy imposed by
7 a county under RCW 84.52.135 must be reduced until the combined rate no
8 longer exceeds one percent of the true and fair value of any property
9 or must be eliminated;

10 (~~(d)~~) (v) If the combined rate of regular property tax levies
11 that are subject to the one percent limitation still exceeds one
12 percent of the true and fair value of any property, the levy imposed by
13 a ferry district under RCW 36.54.130 must be reduced until the combined
14 rate no longer exceeds one percent of the true and fair value of any
15 property or must be eliminated;

16 (~~(e)~~) (vi) If the combined rate of regular property tax levies
17 that are subject to the one percent limitation still exceeds one
18 percent of the true and fair value of any property, the portion of the
19 levy by a metropolitan park district that is protected under RCW
20 84.52.120 (~~shall~~) must be reduced until the combined rate no longer
21 exceeds one percent of the true and fair value of any property or
22 (~~shall~~) must be eliminated;

23 (~~(f)~~) (vii) If the combined rate of regular property tax levies
24 that are subject to the one percent limitation still exceeds one
25 percent of the true and fair value of any property, then the levies
26 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy
27 imposed under RCW 84.52.069 that is in excess of thirty cents per
28 thousand dollars of assessed value, (~~shall~~) must be reduced on a pro
29 rata basis until the combined rate no longer exceeds one percent of the
30 true and fair value of any property or (~~shall~~) must be eliminated;
31 and

32 (~~(g)~~) (viii) If the combined rate of regular property tax levies
33 that are subject to the one percent limitation still exceeds one
34 percent of the true and fair value of any property, then the thirty
35 cents per thousand dollars of assessed value of tax levy imposed under
36 RCW 84.52.069 (~~shall~~) must be reduced until the combined rate no
37 longer exceeds one percent of the true and fair value of any property
38 or must be eliminated.

1 (~~(2)~~) (b) The certified rates of tax levy subject to these
2 limitations by all junior taxing districts imposing taxes on such
3 property (~~(shall)~~) must be reduced or eliminated as follows to bring
4 the consolidated levy of taxes on such property within the provisions
5 of these limitations:

6 (~~(a)~~) (i) First, the certified property tax levy rates of those
7 junior taxing districts authorized under RCW 36.68.525, 36.69.145,
8 35.95A.100, and 67.38.130 (~~(shall)~~) must be reduced on a pro rata basis
9 or eliminated;

10 (~~(b)~~) (ii) Second, if the consolidated tax levy rate still
11 exceeds these limitations, the certified property tax levy rates of
12 flood control zone districts (~~(shall)~~) that are not coextensive with a
13 county that has a population of one million five hundred thousand or
14 more must be reduced on a pro rata basis or eliminated;

15 (~~(c)~~) (iii) Third, if the consolidated tax levy rate still
16 exceeds these limitations, the certified property tax levy rates of all
17 other junior taxing districts, other than fire protection districts,
18 regional fire protection service authorities, library districts, the
19 first fifty cent per thousand dollars of assessed valuation levies for
20 metropolitan park districts, and the first fifty cent per thousand
21 dollars of assessed valuation levies for public hospital districts,
22 (~~(shall)~~) must be reduced on a pro rata basis or eliminated;

23 (~~(d)~~) (iv) Fourth, if the consolidated tax levy rate still
24 exceeds these limitations, the first fifty cent per thousand dollars of
25 assessed valuation levies for metropolitan park districts created on or
26 after January 1, 2002, (~~(shall)~~) must be reduced on a pro rata basis or
27 eliminated;

28 (~~(e)~~) (v) Fifth, if the consolidated tax levy rate still exceeds
29 these limitations, the certified property tax levy rates authorized to
30 fire protection districts under RCW 52.16.140 and 52.16.160 and
31 regional fire protection service authorities under RCW 52.26.140(1) (b)
32 and (c) (~~(shall)~~) must be reduced on a pro rata basis or eliminated;
33 and

34 (~~(f)~~) (vi) Sixth, if the consolidated tax levy rate still exceeds
35 these limitations, the certified property tax levy rates authorized for
36 fire protection districts under RCW 52.16.130, regional fire protection
37 service authorities under RCW 52.26.140(1)(a), library districts,
38 metropolitan park districts created before January 1, 2002, under their

1 first fifty cent per thousand dollars of assessed valuation levy, and
2 public hospital districts under their first fifty cent per thousand
3 dollars of assessed valuation levy, (~~shall~~) must be reduced on a pro
4 rata basis or eliminated.

5 **Sec. 2.** RCW 84.52.043 and 2009 c 551 s 6 are each amended to read
6 as follows:

7 Within and subject to the limitations imposed by RCW 84.52.050 as
8 amended, the regular ad valorem tax levies upon real and personal
9 property by the taxing districts hereafter named (~~shall be~~) are as
10 follows:

11 (1) Levies of the senior taxing districts (~~shall be~~) are as
12 follows: (a) The levy by the state (~~shall~~) may not exceed three
13 dollars and sixty cents per thousand dollars of assessed value adjusted
14 to the state equalized value in accordance with the indicated ratio
15 fixed by the state department of revenue to be used exclusively for the
16 support of the common schools; (b) the levy by any county (~~shall~~) may
17 not exceed one dollar and eighty cents per thousand dollars of assessed
18 value; (c) the levy by any road district (~~shall~~) may not exceed two
19 dollars and twenty-five cents per thousand dollars of assessed value;
20 and (d) the levy by any city or town (~~shall~~) may not exceed three
21 dollars and thirty-seven and one-half cents per thousand dollars of
22 assessed value. However any county is hereby authorized to increase
23 its levy from one dollar and eighty cents to a rate not to exceed two
24 dollars and forty-seven and one-half cents per thousand dollars of
25 assessed value for general county purposes if the total levies for both
26 the county and any road district within the county do not exceed four
27 dollars and five cents per thousand dollars of assessed value, and no
28 other taxing district has its levy reduced as a result of the increased
29 county levy.

30 (2) The aggregate levies of junior taxing districts and senior
31 taxing districts, other than the state, (~~shall~~) may not exceed five
32 dollars and ninety cents per thousand dollars of assessed valuation.
33 The term "junior taxing districts" includes all taxing districts other
34 than the state, counties, road districts, cities, towns, port
35 districts, and public utility districts. The limitations provided in
36 this subsection shall not apply to: (a) Levies at the rates provided
37 by existing law by or for any port or public utility district; (b)

1 excess property tax levies authorized in Article VII, section 2 of the
2 state Constitution; (c) levies for acquiring conservation futures as
3 authorized under RCW 84.34.230; (d) levies for emergency medical care
4 or emergency medical services imposed under RCW 84.52.069; (e) levies
5 to finance affordable housing for very low-income housing imposed under
6 RCW 84.52.105; (f) the portions of levies by metropolitan park
7 districts that are protected under RCW 84.52.120; (g) levies imposed by
8 ferry districts under RCW 36.54.130; (h) levies for criminal justice
9 purposes under RCW 84.52.135; (i) the portions of levies by fire
10 protection districts that are protected under RCW 84.52.125; (~~and~~)
11 (j) levies by counties for transit-related purposes under RCW
12 84.52.140; and (k) levies imposed under RCW 86.15.160 by flood control
13 zone districts in a county with a population of one million five
14 hundred thousand or more that are coextensive with a county.

15 **Sec. 3.** RCW 84.52.120 and 1995 c 99 s 1 are each amended to read
16 as follows:

17 A metropolitan park district with a population of one hundred fifty
18 thousand or more, or any metropolitan park district located in a county
19 with a population of one million five hundred thousand or more, may
20 submit a ballot proposition to voters of the district authorizing the
21 protection of the district's tax levy from prorationing under RCW
22 84.52.010(~~(+2)~~) (3)(b) by imposing all or any portion of the
23 district's twenty-five cent per thousand dollars of assessed valuation
24 tax levy outside of the five dollar and ninety cent per thousand dollar
25 of assessed valuation limitation established under RCW 84.52.043(2), if
26 those taxes otherwise would be prorated under RCW 84.52.010(~~(+2)(e)~~)
27 (3)(b)(iii), for taxes imposed in any year on or before the first day
28 of January six years after the ballot proposition is approved. A
29 simple majority vote of voters voting on the proposition is required
30 for approval.

31 NEW SECTION. **Sec. 4.** This act applies to taxes levied for
32 collection in 2012 and thereafter.

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